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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/073,399

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Evgeny I. Rivin

3984

7590

05/06/2005

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EXAMINER

BUTLER, DOUGLAS C

ART UNIT

PAPER NUMBER

3683

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/073399

EXAMINER
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ART UNIT	PAPER
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04232005

DATE MAILED:

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Commissioner for Patents

See Detailed Action

### **DETAILED ACTION**

1. The examiner accepts applicant's argument that the claims directed to species C are not patentable over the claims directed to the elected species D (Fig. 12).

Therefore, the restriction requirement is as follows:

- I. Species A: Figs. 3, 4, 6;
- II. Species B: Figs. 7-8;
- III. Species C, Species D: Figs. 10-12.  
(Elected)

2. The reply filed on April 6, 2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): applicant has not accurately pointed out which claims read on the elected species (Figs. 10-12). Claim 18 is directed to the "elements" being "embedded in a foam matrix" which appears readable on Species A and B and not the elected species as per pages 3 and 8. Also, claim 21 directed to the glass transition aspect appears readable on Species A and B rather than the elected species. Clarification is requested. If applicant believes that the indicated claims are readable on the elected species, applicant should point out specifically how and where in the detailed description these features are found with respect to the elected species. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

3. Comments Intended To Advance Prosecution:

(A) Claim 15 is unduly broad. In all likelihood, claims submitted specific to the total structure of the elected species would receive favorable consideration provided that more is claimed than merely a bushing with species of rubber, which is not patentable. See, for example, page 1 of the specification directed to defining the invention as a "vibration isolating mount" wherein the specific adjustment features of the Figs. 10-12 are defined which would include the elongated rubber elements 902 precisely defined with respect to the inner and outer sleeves and the plurality pre-load shoes 905 and manual adjusters 907, etc. See pages 8-9 of the detailed description which appear to disclose a patentable invention if claimed as disclosed.

(B) Consider the below mentioned references made of record on the attached Form PTO-892:

(I) Consider Fig. 2 of Barth (US 3,837,179) with a plurality of "separate", spaced-apart rubber elements 10 (column 3, lines 29-35) between inner, outer sleeves interconnected by a thin membrane 11 (column 3, lines 29-50). Barth appears to be clearly applicable to the instant disclosure and should be evaluated with respect to claims such as claims 15, 17.

(II) Note of particular significance is the Rivin patent 5,630,758 which discloses a plurality of spaced apart rubber preloaded elements 118a, 118b, 118ac, 118bb, 118aa, 118ba interconnected by membranes 119, 120, 121, 121a, etc. See column 4, lines 52+ which state that "elements 117, 118 can be inserted ... with preload ...". Also, note the use of tacking or glue or adhesive for assembly at column 5, lines 1-17 demonstrating the technique is well known. Rivin (758) was

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issued May 20, 1997 which was more than twelve months before the instant application's provisional parent application 60/267,548 filed Feb. 9, 2001. The examiner encourages applicant's representative to carefully review the variety of patents, applications, publication of applicant in better understanding applicant's contribution to the art. It is unclear how applicant can reasonably argue that claim 15 is a patentable claim.

(III) Consider DE 3225927 to Brummer et al. Note Figs. 1-2 and the below Abstract thereof:

"The elastic bearing comprises two rigid concentric bushes with a rubber one between and not adhering to them. The rubber bush has ribs preloaded against the cylindrical faces of the rigid ones.

In the unload state, the rubber bush ribs run in the axial direction of the other bushes (1, 2), the inner and outer ribs being in pairs so as to form rollers of elliptical cross-section. The rollers are joined together by thin ribs (5). There can be an even or odd number of rollers, and the arc length of the inner ribs can be smaller than of the outer ones."

(IV) Note Fig. 13 of Guy et al (286) and Fig. 2 of Guy et al (403).

(V) Consider the Rivin article "Shaped Elastomeric Components for Vibration Devices" published in 1999. The examiner requests that any additional articles similar to the above from applicant be submitted. See page 23. The five articles by applicant should be submitted.

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(VI) Consider Figs. 1-4 of Neidhart (060), Fig. 6 of previously cited Gautheron (429); Figs. 1, 4 of Moore et al (145) with thin membrane 15 interconnecting rubber elements 17; elements 3, 3', 3'', 40, 40', 40'' in Figs. 1-3 of Mayer (482).

(VII) Note Rivin (391).

*his attempt*  
(VIII) Note the examiner continues to aid applicant in defining his invention in patentable terms.

4. Any inquiry concerning this communication should be directed to Exmr Butler at telephone number 571-272-7115.

Butler/vs  
April 29, 2005

*DB*  
DOUGLAS C. BUTLER  
PRIMARY EXAMINER  
*4/30/05*  
*AU 3683*